

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY ROTHMAN

PLAINTIFF

vs

THE CITY OF NEW YORK, a municipal entity,
NEW YORK CITY POLICE DETECTIVE
ANDREW WUNSCH, Shield # 6570, and NEW
YORK CITY POLICE SERGEANT VINCENT
FLOREZ, Shield # 3903,

DEFENDANTS

CIVIL No. 19-0225 (CM) (OTW)

AMENDED PLAINTIFF'S
PROPOSED VERDICT FORM

PLAINTIFF'S PROPOSED VERDICT FORM

Pursuant to Fed.R.Civ.P. 49, Plaintiff submits the following proposed verdict form, which Plaintiff proposes that the Court use in connection with the trial in this action.

GENERAL VERDICT FORM – LIABILITY AND DAMAGES

**FOURTH AMENDMENT SEIZURE OF PROPERTY CLAIM
AGAINST DEFENDANT WUNSCH**

1. Is Defendant New York City Police Detective Andrew Wunsch liable to Plaintiff Jeffrey Rothman on Plaintiff Rothman's Fourth Amendment Seizure of Property claim?

_____ Yes _____ No

If your answer to Question No. 1 is "YES" then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Wunsch, and you are to

answer Question Nos. 2 and 3. If your answer to Question No. 1 is “NO” then proceed to question No. 4.

2. Do you find that Defendant Wunsch should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman’s Fourth Amendment seizure of property claim?

_____ Yes _____ No

3. If your answer to Question No. 2 is “YES”, what sum of money should be assessed against Defendant Wunsch as punitive damages in relation to Plaintiff Rothman’s Fourth Amendment seizure of property claim?

\$_____

**NEW YORK STATE LAW ASSAULT CLAIM AGAINST
DEFENDANT WUNSCH AND AGAINST DEFENDANT CITY OF NEW YORK**

4. Is Defendant New York City Police Detective Andrew Wunsch liable to Plaintiff Jeffrey Rothman on Plaintiff Rothman’s assault claim?

_____ Yes _____ No

If your answer to Question No. 4 is “YES” then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Wunsch and from Defendant City of New York, and you are to answer Question Nos. 5 and 6. If your answer to Question No. 4 is “NO” then proceed to question No. 7.

5. Do you find that Defendant Wunsch should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman’s assault claim?

_____ Yes _____ No

6. If your answer to Question No. 5 is “YES”, what sum of money should be assessed against Defendant Wunsch as punitive damages in relation to Plaintiff Rothman’s assault claim?

\$_____

**NEW YORK STATE LAW BATTERY CLAIM AGAINST
DEFENDANT WUNSCH AND AGAINST DEFENDANT CITY OF NEW YORK**

7. Is Defendant New York City Police Detective Andrew Wunsch liable to Plaintiff Jeffrey Rothman on Plaintiff Rothman’s battery claim?

_____ Yes _____ No

If your answer to Question No. 7 is “YES” then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Wunsch and from Defendant City of New York, and you are to answer Question Nos. 8 and 9. If your answer to Question No. 7 is “NO” then proceed to question No. 10.

8. Do you find that Defendant Wunsch should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman’s battery claim?

_____ Yes _____ No

9. If your answer to Question No. 8 is “YES”, what sum of money should be assessed against Defendant Wunsch as punitive damages in relation to Plaintiff Rothman’s battery claim?

\$_____

**NEW YORK STATE LAW CONVERSION CLAIM AGAINST
DEFENDANT WUNSCH AND AGAINST DEFENDANT CITY OF NEW YORK**

10. Is Defendant New York City Police Detective Andrew Wunsch liable to Plaintiff Jeffrey Rothman on Plaintiff Rothman's conversion claim?

_____ Yes _____ No

If your answer to Question No. 10 is "YES" then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Wunsch and from Defendant City of New York, and you are to answer Question Nos. 11 and 12. If your answer to Question No. 10 is "NO" then proceed to question No. 13.

11. Do you find that Defendant Wunsch should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman's conversion claim?

_____ Yes _____ No

12. If your answer to Question No. 8 is "YES", what sum of money should be assessed against Defendant Wunsch as punitive damages in relation to Plaintiff Rothman's conversion claim?

\$ _____

**NEW YORK STATE LAW ASSAULT CLAIM AGAINST
DEFENDANT FLOREZ AND AGAINST DEFENDANT CITY OF NEW YORK**

13. Is Defendant New York City Police Sergeant Vincent Florez liable to Jeffrey Rothman on Plaintiff Rothman's assault claim?

_____ Yes _____ No

If your answer to Question No. 13 is "YES" then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Florez and from

Defendant City of New York, and you are to answer Question Nos. 14 and 15. If your answer to Question No. 13 is “NO” then proceed to question No. 16.

14. Do you find that Defendant Florez should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman’s assault claim?
- _____ Yes _____ No

15. If your answer to Question No. 14 is “YES”, what sum of money should be assessed against Defendant Florez as punitive damages in relation to Plaintiff Rothman’s assault claim?
- \$_____

**NEW YORK STATE LAW BATTERY CLAIM AGAINST
DEFENDANT FLOREZ AND AGAINST DEFENDANT CITY OF NEW YORK**

16. Is Defendant New York City Police Sergeant Vincent Florez liable to Plaintiff Jeffrey Rothman on Plaintiff Rothman’s battery claim?
- _____ Yes _____ No

If your answer to Question No. 16 is “YES” then Plaintiff Rothman will be awarded \$1.00 in nominal damages on that claim from Defendant Florez and from Defendant City of New York, and you are to answer Question Nos. 17 and 18. If your answer to Question No. 16 is “NO” then you have finished completing the verdict form and you should proceed to the signature line.

17. Do you find that Defendant Florez should pay punitive damages to Plaintiff Rothman in relation to Plaintiff Rothman’s battery claim?
- _____ Yes _____ No

18. If your answer to Question No. 17 is “YES”, what sum of money should be assessed against Defendant Florez as punitive damages in relation to Plaintiff Rothman’s battery claim?

\$ _____

You have completed all questions. Please proceed to the signature line.

Foreperson, please sign and date the verdict sheet. Then, without disclosing your verdict, advise the Court in a note that you have reached a verdict and are ready to return to the courtroom to announce your verdict.

DATED: October ____, 2020
New York, NY

FOREPERSON

Dated: New York, NY
October 1, 2020

Respectfully submitted,

_____/S/_____
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